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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,845	05/24/2001	Amit Goffer	0113US-Goffer	4088
23521	7590	12/10/2004		
SALTAMAR INNOVATIONS 30 FERN LANE SOUTH PORTLAND, ME 04106			EXAMINER DONNELLY, JEROME W	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/864,845

Applicant(s)

GOFFER, AMIT

Examiner

Jerome W Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_ is/are pending in the application. 1-57 and 62-68
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected. 1-4, 11-17 22-24 and 27-54
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to. 18-21 25 and 26
- 8) ☒ Claim(s) 62-68 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Jerome W. Donnelly  
Primary Examiner

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Claims 6-10 are allowed.

Claims 18-21, 25 and 26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11-15, 22-24, 31-41 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Simmons.

Simmons discloses a device comprising between the remote and local components a device including an exoskeleton a (propulsion means) means for moving. The components of the remote device components sensor within the local components of the device for sensing tilt and angular positioning of the exoskeleton and a control unit.

The device of claims 1-4 and 11-15 is fully disclosed in the drawing of Simons Figs 1-3 6 and 11.

In regard to claim 22 Simmons discloses a device which has embodiment which employee gas cylinders, hydraulic cylinders and rotary motors.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3764

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, 16, 17, 27-30, 42-44 and 46-57 are rejected under 35 U.S.C.

103(a) as being unpatentable over Simmons in view of Biovona.

In regard to claims 27, 28, 29 and 30 Simmon discloses the elements which may be interpreted as accelerometers, tilt sensor and a goniometer.

In regard to claims 42-57 the examiners notes that the claims elements are common and obvious features in the environment of electro-mechanical robotic mechanisms.

In regard to claims the examiner also notes that it is well known and that it would have been obvious to one of ordinary skill in the art to provide a rounded walking surface on the bottom surface of the device of Simmons for the purpose of providing a smoother stride to the robot.

In regard to claims 16 and 17 the examiner considers the features of protrusion attachment associated with a linear cylinder means and a pivotal connection of a cylinder to a pivotal lever (arm) means as feature well known in the art and obvious, although not specifically disclosed by Simmons.

Claims 62-67 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/27/04.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (703) 308-2668.

JEROME W. DONNELLY  
PRIMARY EXAMINER

